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8 **BEFORE THE**
RESPIRATORY CARE BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. R-2042

12 TELLY SAVALAS HUGHES
P.O. Box 214
13 San Ramon, CA 94583

A C C U S A T I O N

14 Respiratory Care Practitioner License No. 20040

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Stephanie Nunez (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Respiratory Care Board of California, Department of
21 Consumer Affairs.

22 2. On or about April 27, 1998, the Respiratory Care Board issued Respiratory
23 Care Practitioner License Number 20040 to Telly Savalas Hughes (Respondent). The Respiratory
24 Care Practitioner License was in full force and effect at all times relevant hereto and will expire on
25 February 29, 2008, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Respiratory Care Board (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section references are

1 to the Business and Professions Code unless otherwise indicated.

2 4. Section 3710 of the Code states: “The Respiratory Care Board of
3 California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3,
4 the Respiratory Care Practice Act].”

5 5. Section 3718 of the Code states: “The board shall issue, deny, suspend, and
6 revoke licenses to practice respiratory care as provided in this chapter.”

7 6. Section 3750 of the Code states:

8 “The board may order the denial, suspension or revocation of, or the imposition of
9 probationary conditions upon, a license issued under this chapter, for any of the following
10 causes:

11 “(d) Conviction of a crime that substantially relates to the qualifications, functions,
12 or duties of a respiratory care practitioner. The record of conviction or a certified copy
13 thereof shall be conclusive evidence of the conviction.

14 “(g) Conviction of a violation of any of the provisions of this chapter or of any
15 provision of Division 2 (commencing with Section 500), or violating, or attempting to
16 violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to
17 violate any provision or term of this chapter or of any provision of Division 2 (commencing
18 with Section 500).

19 “(j) The commission of any fraudulent, dishonest, or corrupt act which is
20 substantially related to the qualifications, functions, or duties of a respiratory care
21 practitioner.”

22 7. Section 3752 of the Code states:

23 “A plea or verdict of guilty or a conviction following a plea of nolo contendere
24 made to a charge of any offense which substantially relates to the qualifications, functions,
25 or duties of a respiratory care practitioner is deemed to be a conviction within the meaning
26 of this article. The board shall order the license suspended or revoked, or may decline to
27 issue a license, when the time for appeal has elapsed, or the judgment of conviction has
28 been affirmed on appeal or when an order granting probation is made suspending the

1 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the
2 Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of
3 not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
4 indictment.”

5 8. California Code of Regulations, title 16, section 1399.370, states:

6 “For the purposes of denial, suspension, or revocation of a license, a crime or act
7 shall be considered to be substantially related to the qualifications, functions or duties of a
8 respiratory care practitioner, if it evidences present or potential unfitness of a licensee to
9 perform the functions authorized by his or her license or in a manner inconsistent with the
10 public health, safety, or welfare. Such crimes or acts shall include but not be limited to
11 those involving the following:

12 “(a) Violating or attempting to violate, directly or indirectly, or assisting or abetting
13 the violation of or conspiring to violate any provision or term of the Act.

14 “(b) Conviction of a crime involving fiscal dishonesty, theft, or larceny.”

15 COST RECOVERY

16 9. Section 3753.5, subdivision (a) of the Code states:

17 "In any order issued in resolution of a disciplinary proceeding before the board, the
18 board or the administrative law judge may direct any practitioner or applicant found to have committed
19 a violation or violations of law to pay to the board a sum not to exceed the costs of the investigation and
20 prosecution of the case."

21 10. Section 3753.7 of the Code states:

22 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall include
23 attorney general or other prosecuting attorney fees, expert witness fees, and other administrative, filing,
24 and service fees."

25 11. Section 3753.1 of the Code states:

26 "(a) An administrative disciplinary decision imposing terms of probation may include,
27 among other things, a requirement that the licensee-probationer pay the monetary costs associated with
28 monitoring the probation. "

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction)

3 12. Respondent is subject to disciplinary action under sections 3750(d) and
4 3752 [substantially related conviction], 3750(j) [dishonest act], and CCR 1399.370(b) in that he
5 was convicted of violating Vehicle Code section 10851(a), taking a vehicle without an owner's
6 consent. The circumstances are as follows:

7 13. On or about October 13, 2004, K.G. reported that his residence had been
8 burglarized and the car keys to his black 2002 GMC Denali were stolen. K.G. told Police Officer
9 Rhonda Winkler that he believed that respondent, his former co-worker, was involved in the theft
10 of his vehicle. The car was recovered, but it had been stripped of various parts: the right front
11 wheel and left rear tire were missing. The left front and right rear tire had been partially removed.
12 The DVD system, rear speakers, stereo amplifier and stereo speaker cover were also missing.

13 14. On or about December 14, 2004, respondent's friends, J.C. and M.D.,
14 allegedly used a gun to steal a silver Toyota Corolla from C.F, a 19 year old male. J.C. allegedly
15 telephoned respondent and told him that they had stolen a car and were going out to celebrate
16 M.D.'s birthday, and respondent agreed to meet them at a gas station. Respondent then got into
17 the stolen vehicle. M.D. took photos of everyone in the stolen car and at a local restaurant.

18 In a separate investigation of M.D. and J.C., the police searched their residence
19 and seized photos taken on the night of the carjacking. K.G., the owner of the stolen Denali,
20 viewed the photos and identified respondent.

21 15. On December 29, 2004, Police Officer Jacquelyn Macato went to
22 respondent's home to investigate the report of the stolen Denali vehicle and the Toyota carjacking.
23 At first, respondent denied participating in stealing the Denali. However, in an interview on
24 December 30, 2004, respondent stated that his friends, M.D. and J.C. stole the car. Officer
25 Macato then informed respondent that he was considered a suspect. She gave him his Miranda
26 rights, and respondent agreed to talk. Respondent admitted that he told M.D. where K.G. lived.
27 Respondent admitted that he pointed out K.G.'s house to M.D., and he assumed that she wanted to
28 know the location because she planned to steal the Denali.

1 B. On or about December 30, 2004, respondent was arrested for violating
2 Vehicle Code section 10851(a), a felony, unlawful driving or taking a vehicle without the owner's
3 consent and Vehicle Code section 496(d), possession of a stolen vehicle. On or about April 20,
4 2005, the District Attorney filed an Amended Information in *People of the State of California vs.*
5 *Telly Savalas Hughes*, in Superior Court, San Joaquin County, case no. SF094414D.
6 Respondent was charged with a violation of Vehicle Code section 10851(a), a felony, unlawful
7 driving or taking a vehicle without the owner's consent. On or about
8 September 14, 2005, the District Attorney amended the complaint to allege a misdemeanor
9 violation of Vehicle Code section 10851(a), unlawful driving or taking a vehicle. Respondent
10 entered a plea of nolo contendere. The Court found a factual basis for the plea based on (what
11 was) recited by the People. Respondent was sentenced and placed on conditional probation for
12 three years, ordered to obey all laws, submit to searches of his person, vehicle, and place of
13 residence for stolen property, pay fines, and serve 210 days in jail. The case was ordered to run
14 consecutively with all other sentences. No home detention was allowed. He was ordered to report
15 to court on October 12, 2005 at 9:00 a.m., and to make restitution as recommended by Probation.

16 16. Respondent is subject to discipline because his misdemeanor conviction for
17 violating Vehicle Code section 10851(a), unlawful driving or taking a vehicle, is in violation of
18 code sections 3750 (d) and 3752 [conviction], 3750(j) and CCR 1399.370(b)[dishonest act].

19 SECOND CAUSE FOR DISCIPLINE

20 17. On or about October 17, 2004, respondent received citation number
21 4611432 from the Oakland Police Department for a violation of Health & Safety Code section
22 11357(b), possession of marijuana. He signed the citation, and agreed to appear at the Wiley W.
23 Manuel Courthouse in Oakland, California on November 17, 2004 at 9:00 a.m.

24 A. On May 4, 2005, respondent appeared. The matter was continued to May
25 10, 2005 because the file was missing.

26
27 B. On May 10, 2005, a hearing was held before Judge Coffey. Respondent
28 did not appear. In addition to the violation of Health & Safety Code section 11357(b), possession

1 of marijuana, respondent was charged with violations of Penal Code section 853.7, failure to
2 appear after written promise and Penal Code section 978.5, a bench warrant for failing to appear.
3 On May 24, 2005, a bench warrant issued.

4 18. Respondent's license is subject to discipline pursuant to 3750(g) [failure to
5 obey any provision] due to his failure to appear in court on May 10, 2005.

6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

9 1. Revoking or suspending Respiratory Care Practitioner License Number
10 20040, issued to Telly Savalas Hughes.

11 2. Ordering Telly Savalas Hughes to pay the Respiratory Care Board the costs
12 of the investigation and enforcement of this case, and if placed on probation, the costs of probation
13 monitoring;

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: August 7, 2006

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18 Original signed by Liane Zimmerman for:
19 STEPHANIE NUNEZ
20 Executive Officer
21 Respiratory Care Board of California
22 Department of Consumer Affairs
23 State of California
24 Complainant
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